



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,572	01/11/2002	Charles J. Thur	RYL 2 0625-3	9472
7590 03/29/2004			EXAMINER	
Jay F. Moldovanyi, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2518			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 03/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/044,572	Applicant(s) THUR ET AL.	
	Examiner Theresa T. Snider	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/11,6/3/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 1, line 6, the status of the copending application should be updated.

Page 7, line 13, it is unclear as to what is meant by 'is located is closer proximity'.

Page 9, line 1, 'A' should be replaced with 'The'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-27, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, line 13, it is unclear as to where the valve is mounted with respect to the ports;

Line 14, it is unclear as to from where the air is coming.

Claim 2, line 2, 'diaphragm' should be deleted.

Claim 3, line 3, 'relatively full' of what?

Line 4, 'atmosphere' should be replaced with 'ambient' to correspond with claim 1, line 8.

Art Unit: 1744

Claim 7, line 2, 'diaphragm' should be deleted.

Claim 10, line 3, 'the' should be inserted after 'that'.

Claim 12, line 1 recites a 'vacuum cleaner' however the claim fails to disclose any vacuum source;

Line 15, it is unclear as to where the valve is mounted with respect to the ports.

Claim 13, line 3, 'piston' should be deleted.

Claim 18, line 12, 'ambient' should be replaced with 'atmosphere' to correspond with line 10;

Line 15, 'the container' lacks proper antecedent basis.

Claim 19, line 2, 'the associated container' lacks proper antecedent basis.

Claim 21, line 1 recites an 'airflow indicator'. Line 3, recites 'a casing having a filter chamber'. Is not the casing part of the vacuum cleaner, as opposed to part of the indicator?

Claim 22, line 1, 'diaphragm' should be deleted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 18 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nilsson.

Art Unit: 1744

Nilsson discloses providing an airflow passage between a filter chamber and ambient (fig. 1, #17,58,41).

Nilsson discloses obstructing flow in the airflow passage with a normally closed valve (col. 3, lines 65-73).

Nilsson discloses filling the filter chamber with debris (col. 3, lines 60-65).

Nilsson discloses opening the valve to cause an airflow through the airflow passage (col. 3, line 73-col. 4, line 11).

Nilsson discloses using the airflow to indicate the filter is filling up (col. 4, lines 11-19).

6. Claim 18 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fromknect et al..

Fromknect et al. discloses providing an airflow passage between a filter chamber and ambient (figs. 1-2, #64,24).

Fromknect et al. discloses obstructing flow in the airflow passage with a normally closed valve (fig. 2, #88).

Fromknect et al. discloses filling the filter chamber with debris (col. 3, lines 21-27).

Fromknect et al. discloses opening the valve to cause an airflow through the airflow passage (fig. 3, #88).

Fromknect et al. discloses using the airflow to indicate the filter is filling up (col. 1, lines 56-66).

Art Unit: 1744

Allowable Subject Matter

7. Claims 1, 12 and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claims 2-11, 13-17, 19-20 and 22-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art discloses an airflow indicator for a vacuum cleaner having a housing mounted to a casing of the vacuum cleaner, the housing having two ports, one open to ambient and the other open to a filter chamber of the vacuum cleaner, a pressure responsive valve mounted thereto. HOWEVER fails to disclose or fairly suggest the further inclusion of an indicator movably mounted in an airflow path between the filter chamber and ambient and the diaphragm having a slit.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DE394039, Simonsson and Kim disclose airflow indicators having pistons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider
Primary Examiner
Art Unit 1744

03/22/2004